



"Nickel, Jon"
<JNickel@ASARCO.com>
09/28/2006 08:48 AM

To Linda Jacobson/ENF/R8/USEPA/US@EPA
cc
bcc
Subject RE: RCRA/CERCLA Overlap

Thanksgiving week will not work with the holidays. What about the week of October 23rd?

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Thursday, September 28, 2006 7:39 AM
To: Nickel, Jon
Subject: RE: RCRA/CERCLA Overlap

Jon, actually the best thing would be for you, Scott and I to talk after he, Steve Moores and I have determined (with management input) how EPA wishes to proceed.

Regarding the public meeting, it would be better for me to move it out to Thanksgiving week, if the wee of the 11/6 doesn't work for you. Please let me know. Thanks.

Linda

"Nickel, Jon"
<JNickel@ASARCO.com>

09/28/2006 07:31 AM

To Linda
Jacobson/ENF/R8/USEPA/US@EPA

cc "Miller, Robert"
<RoMiller@asarco.com>

Subject RE: RCRA/CERCLA Overlap

Thanks for the update - I may learn more from Scott Brown once he contacts me. Due to scheduling conflicts, the public meeting cannot take place the week of November 6th. It could take place earlier but I will need to check schedules and meeting location availability before committing.

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Wednesday, September 27, 2006 7:57 AM
To: Nickel, Jon
Cc: Miller, Robert; Aldrich, Tom
Subject: RCRA/CERCLA Overlap

Jon,

----They are receptive to the slurry wall and cap in the former acid plant sediment drying area; so, we have proceeded with the public comment and press release for this measure. Thanks again for distributing the documents for me.

----In a phone call on Friday, 9/15, Scott Brown, Julie DalSoglio, Sharon Kercher (my manager) and I discussed, in very general terms, the potential remaining CERCLA obligations which may impact RCRA corrective action work.

---Scott, Steve Moores (the attorney who took over from Suzanne Bohan), and I have been tasked with specifically identifying the areas in the CERCLA ROD, the CERCLA CD, and the RCRA CD where there is overlap and presenting them in a matrix in a followup discussion with our managers.

---I think the general sentiment is to leave the CERCLA mechanism in place, perform work under the RCRA order considering the standards or objectives established by the CERCLA ROD and attempting to achieve them to the degree possible, and then revisit any remaining CERCLA work after the RCRA corrective action has been completed and determine if it is technically possible to achieve further cleanup (such as attainment of the Lower Lake ROD limits).

---After we determine how we wish to proceed internally, we can discuss further how this might impact the scope and options for the RCRA corrective action work.

I hope you're well, and the warm weather holds to allow installation of the slurry wall this year. One more item: would it be possible to shift the public meeting to the week of November 6th; I have an inspector training the week of the 31st? Thank you.

Linda

"Nickel, Jon"
<JNickel@ASARCO.
com>

09/27/2006 05:57
AM

Linda
Jacobson/ENF/R8/USEPA/US@EPA

"Aldrich, Tom"
<TAldrich@ASARCO.com>, "Miller,
Robert" <RoMiller@asarco.com>

Subject
RE: Storage of CAMU Wastes

Linda - The last time we spoke you indicated that you would discuss with Scott Brown and others regarding the requirements of the CERCLA ROD and how the remaining obligations might be incorporated into on-going RCRA activities. Can you give me a status update? Is Scott and the CERCLA staff receptive to the slurry wall construction in the former acid plant sediment drying area? Can the few outstanding CERCLA ROD actions be integrated into the RCRA program and the CERCLA program deemed complete?

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Tuesday, September 26, 2006 1:44 PM
To: Nickel, Jon
Subject: RE: Storage of CAMU Wastes

Jon,

Great! I'll look forward to getting the work plan.

My Fax: (303) 312-6409

Linda

"Nickel, Jon"
<JNickel@ASARCO.com>

09/26/2006 02:37
PM

Linda
Jacobson/ENF/R8/USEPA/US@EPA

"Aldrich, Tom"
<TAldrich@ASARCO.com>

To

cc

Subject

RE: Storage of CAMU Wastes

The Montana Decree language is rather lengthy. I will fax you relevant paragraph - please send me your fax number. The capping work plan was sent to you by certified mail this morning.

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Tuesday, September 26, 2006 1:28 PM
To: Nickel, Jon
Subject: RE: Storage of CAMU Wastes

Thank you. I don't think I have a copy of the order. Could you provide me the exact language?

On another matter, should we be seeing the capping work plan shortly to stay ahead of the weather for the depressions in the Sinter Plant footprint?

Linda

"Nickel, Jon"
<JNickel@ASARCO.com>

09/26/2006 02:14 PM

Linda
Jacobson/ENF/R8/USEPA/US@EPA

"Aldrich, Tom"
<TAldrich@ASARCO.com>

Subject
RE: Storage of CAMU Wastes

To

cc

The February 2005 Montana Consent Decree (Asarco, Inc. FID 729, Lewis and Clark County No. CDV-2004-212), paragraph 27 provides the waiver.

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Tuesday, September 26, 2006 10:06 AM
To: Nickel, Jon
Subject: Storage of CAMU Wastes

Jon,

A question was posed to me; so, let me ask you since I am not copied on all state/ASARCO correspondence. Under what authority are you storing

the hazardous wastes which are earmarked for placement in the CAMU for a period greater than 90 days? Did you ask for or receive an extension for this? Thanks.

Linda

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